

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Frank Ginnie, et al.

v.

Civil No. 12-cv-460-SM

Target Corporation, et al.

NOTICE OF RULING

Re: Motion to Compel (doc. no. 15)

As a general rule, a defendant is entitled to depose a plaintiff in the forum in which the plaintiff chose to sue, unless the plaintiff presents special circumstances. The court observes that plaintiffs filed suit in New Hampshire in part because an action filed elsewhere would have been vulnerable to transfer, and in some cases this may warrant deposition in a location more convenient to the plaintiffs. However, having considered the parties' motions, the court finds that plaintiffs fail to present sufficient facts showing special circumstances. Beyond asserting that travel to New Hampshire would be inconvenient due to Mr. Ginnie's work schedule, plaintiffs present insufficient evidence of special circumstances, financial or otherwise, to warrant a change in deposition venue. The motion to compel is therefore granted.

SO ORDERED.



Landya McCafferty
United States Magistrate Judge

April 24, 2013

cc: Thomas J. Fay, Esq.
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Jeffrey B. Osburn, Esq.
David S.V. Shirley, Esq.